

ORIGINAL

HERRICK, FEINSTEIN LLP  
 Raymond N. Hannigan (rhannigan@herrick.com)  
 Attorneys for Defendants Brian Street and  
 James Cohen  
 2 Park Avenue  
 New York, NY 10016  
 212.592.1400

**SCANNED**  
 (JAB 8/19/08)

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

HSH NORDBANK AG NEW YORK  
 BRANCH, as Administrative Agent for  
 Itself and Certain Lenders,

Plaintiff,

vs.

MICHAEL SWERDLOW, BRIAN  
 STREET, and JAMES COHEN,

Defendants.

Case No. 08 Civ. 6131 (GEL)(DF)

**MOTION TO ADMIT COUNSEL  
 PRO HAC VICE**

Pursuant to Rule 1.3(c) for the Local Rules of the United States District Courts for the Southern  
 and Eastern Districts of New York, I, Raymond N. Hannigan, a member in good standing of the  
 bar of this Court, hereby move for an Order allowing the admissions *pro hac vice* of

Applicant's Name: John K. Shubin  
 Firm Name: Shubin & Bass, P.A.  
 Address: 46 SW 1st St., 3rd Floor  
 City/State/Zip: Miami, FL, 33130  
 Phone Number: (305) 381-6060  
 Fax Number: (305) 381-9457

and

Applicant's Name: Jeffrey S. Bass  
 Firm Name: Shubin & Bass, P.A.  
 Address: 46 SW 1st St., 3rd Floor  
 City/State/Zip: Miami, FL, 33130  
 Phone Number: (305) 381-6060  
 Fax Number: (305) 381-9457

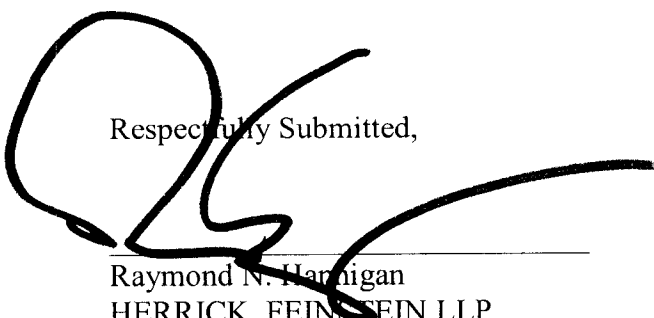
AUG 18 2008

GR 550-660182

John K. Shubin is a member in good standing of the Bar of the State of Florida. Jeffrey S. Bass is a member in good standing of the Bars of the State of Florida and the District of Columbia. There are no pending disciplinary proceedings against either John K. Shubin or Jeffrey S. Bass in any State or Federal court.

August 18, 2008  
New York, New York

Respectfully Submitted,



Raymond N. Hannigan  
HERRICK, FEIN & SEIN LLP  
2 Park Avenue  
New York, New York 10016  
Phone: 212.592.1400  
[rhannigan@herrick.com](mailto:rhannigan@herrick.com)  
*Attorneys for Defendants*  
*Brian Street and James Cohen*

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Raymond N. Hannigan (rhannigan@herrick.com)  
Attorneys for Defendants Brian Street and  
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New York, NY 10016  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X		
HSH NORDBANK AG NEW YORK	:	Case No. 08 Civ. 6131 (GEL)(DF)
BRANCH, as Administrative Agent for	:	
Itself and Certain Lenders,	:	<b>AFFIDAVIT OF</b>
	:	<b>RAYMOND N. HANNIGAN</b>
Plaintiff,	:	<b>IN SUPPORT OF MOTION</b>
	:	<b>TO ADMIT COUNSEL</b>
vs.	:	<b><i>PRO HAC VICE</i></b>
	:	
MICHAEL SWERDLOW, BRIAN	:	
STREET, and JAMES COHEN,	:	
	:	
Defendants.	:	
----- X		

State of New York     )  
                              )  
County of New York    )

Raymond N. Hannigan, being duly sworn, hereby deposes and says as follows:

1. I am a partner at the law firm of Herrick, Feinstein, LLP in New York, New York. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendants' motion to admit John K. Shubin and Jeffrey S. Bass as counsel *pro hac vice* to represent Defendant Michael Swerdlow in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1987. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known John K. Shubin since 2008.

4. I have known Jeffrey S. Bass since 2008.

5. Mr. Shubin and Mr. Bass are both partners at Shubin & Bass, P.A., in Miami, Florida.

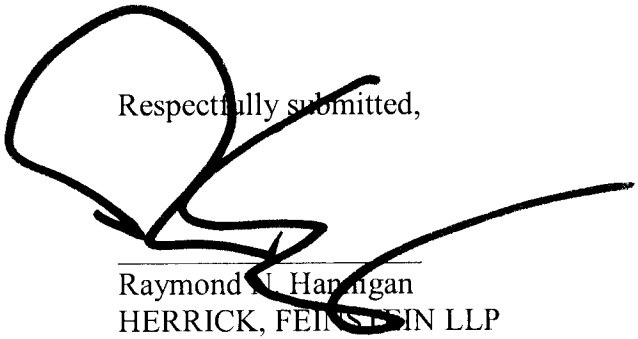
6. I have found both Mr. Shubin and Mr. Bass to be skilled attorneys and people of integrity. They are experienced in Federal practice and are familiar with the Federal Rules of Procedure.

7. Accordingly, I move for the admissions of John K. Shubin and Jeffrey S. Bass, *pro hac vice*.


8. I respectfully submit a proposed order, attached hereto, granting the motion.

WHEREFORE it is respectfully requested that the motion to admit John K. Shubin and Jeffrey S. Bass, *pro hac vice*, to represent Defendant Michael Swerdlow in the above captioned matter, be granted.

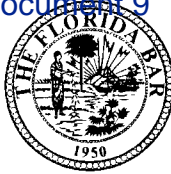
Respectfully submitted,

  
Raymond J. Hannigan  
HERRICK, FELDSTEIN LLP  
2 Park Avenue  
New York, New York 10016  
Phone: 212.592.1400  
[rhannigan@herrick.com](mailto:rhannigan@herrick.com)  
*Attorneys for Defendants*  
*Brian Street and James Cohen*

Sworn to before me this  
18<sup>th</sup> day of August 2008

  
Denard Rivera  
Notary Public

**DENARD RIVERA**  
Notary Public, State of New York  
No. 01904736628  
Qualified in Orange County  
Commission Expires August 31, 2009



# The Florida Bar

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

651 EAST JEFFERSON STREET  
TALLAHASSEE, FLORIDA 32399-2300

850/561-5600  
WWW.FLORIDABAR.ORG

State of Florida )

County of Leon )

In Re: 771899  
John Kressfield Shubin  
Shubin & Bass  
46 S.W. 1st St., Fl. 3  
Miami, FL

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on September 28, 1988.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is a member of The Florida Bar in good standing.

Dated this 25<sup>th</sup> day of July, 2008.

A handwritten signature in black ink that reads "Willie Mae Shepherd". The signature is fluid and cursive.

Willie Mae Shepherd  
Supervisor, Membership Records  
The Florida Bar

WMS/KLTh5:R10



# The Florida Bar

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TALLAHASSEE, FLORIDA 32399-2300

850/561-5600  
WWW.FLORIDABAR.ORG

State of Florida )

County of Leon )

In Re: 962279  
Jeffrey Scott Bass  
Shubin & Bass  
46 S.W. 1st St., Ste. 300  
Miami, FL

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on October 2, 1992.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is a member of The Florida Bar in good standing.

Dated this 25<sup>th</sup> day of July, 2008.

Willie Mae Shepherd  
Supervisor, Membership Records  
The Florida Bar

WMS/KLTh5:R10

HERRICK, FEINSTEIN LLP  
Raymond N. Hannigan (rhannigan@herrick.com)  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HSH NORDBANK AG NEW YORK	:	Case No. 08 Civ. 6131 (GEL)(DF)
BRANCH, as Administrative Agent for	:	
Itself and Certain Lenders,	:	<b>ORDER FOR ADMISSION</b>
	:	<b><i>PRO HAC VICE</i></b>
Plaintiff,	:	<b>ON WRITTEN MOTION</b>
	:	
vs.	:	
	:	
MICHAEL SWERDLOW, BRIAN	:	
STREET, and JAMES COHEN,	:	
	:	
Defendants.	:	
----- X		

Upon the motion of Raymond N. Hannigan, attorney for Defendants Brian Street and James

Cohen, and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: John K. Shubin  
Firm Name: Shubin & Bass, P.A.  
Address: 46 SW 1st St., 3rd Floor  
City/State/Zip: Miami, FL, 33130  
Phone Number: (305) 381-6060  
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Applicant's Name: Jeffrey S. Bass  
Firm Name: Shubin & Bass, P.A.  
Address: 46 SW 1st St., 3rd Floor  
City/State/Zip: Miami, FL, 33130  
Phone Number: (305) 381-6060  
Fax Number: (305) 381-9457

are admitted to practice *pro hac vice* as counsel for Defendant Michael Swerdlow in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

August \_\_, 2008  
New York, New York

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United States District/Magistrate Judge



**CERTIFICATE OF SERVICE**

I, David T. Feuerstein, hereby certify that on August 18, 2008, I caused the annexed Motion to Admit Counsel *Pro Hac Vice*, Order for Admission *Pro Hac Vice* on Written Motion and Affidavit of Raymond N. Hannigan In Support of Motion to Admit Counsel *Pro Hac Vice* to be served on the following counsel of record via Federal Express:

Justin N. Kattan  
Sonnenschein Nath & Rosenthal LLP  
1221 Avenue of the Americas  
New York, New York 10020

Dated: August 18, 2008

  
\_\_\_\_\_  
David T. Feuerstein